

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Marcia Hallermann,

Debtor.

Bankruptcy No. 18-60534-MER
Chapter 13

**STIPULATION IN RESOLUTION NOTICE OF MOTION FOR ORDER TO DISMISS
CHAPTER 13 CASE**

1. This Stipulation is entered into by and between Bonanza Valley State Bank (the “Bank”) and debtor Marcia Hallermann (the “Debtor”) by their respective undersigned counsel of record.

2. The Bank’s Motion to Dismiss the above chapter 13 case [Doc. 33] was initially heard by the Court on October 29, 2019 at 10:00 a.m., in Courtroom 2, 2nd Floor, 118 Mill Street, Fergus Falls, Minnesota. The matter was subsequently placed back on the Court’s calendar for hearing on January 7, 2020.

In resolution of the Bank’s Motion to Dismiss, the parties agree and stipulate as follows:

- A. The Debtor shall, together with her spouse, execute and deliver to the Bank an original deed (deed in lieu of foreclosure) in form and substance acceptable to the Bank, conveying the certain real property commonly known as the “Albany Bar” to the Bank as provided in Parts 16 and 17 of the confirmed plan, on or before January 21, 2020.
- B. Upon receipt of the deed as provided for above, the Bank by its attorney of record shall promptly withdraw its Motion to Dismiss.
- C. In the event the Debtor fails to deliver the deed to the Bank as provided for above, the Bank shall serve and file an affidavit of non-compliance with the Court, and, subject to Court approval of this Stipulation the Debtor’s chapter 13 case shall be dismissed forthwith.

Dated this 10th day of January, 2020.

O'KEEFFE, O'BRIEN, LYSON & FOSS, LTD.

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Dated this 10th day of January, 2020.

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ORDER APPROVING STIPULATION

The Stipulation in Resolution of Motion for Order to Dismiss Chapter 13 Case entered into by and between Bonanza Valley State Bank (the “Bank”) and debtor Marcia Hallermann (the “Debtor”) having come duly on before the Court for consideration and the Court finding good cause therefore,

**THE STIPULATION IS IN ALL THINGS APPROVED AND IT IS FURTHER
HEREBY ORDERED:**

- A. The Debtor shall, together with her spouse, execute and deliver to the Bank an original deed (deed in lieu of foreclosure) in form and substance acceptable to the Bank, conveying the certain real property commonly known as the “Albany Bar” to the Bank as provided in Parts 16 and 17 of the confirmed plan, on or before January 21, 2020.
- B. Upon receipt of the deed as provided for above, the Bank by its attorney of record shall promptly withdraw its Motion to Dismiss.
- C. In the event the Debtor fails to deliver the deed to the Bank as provided for above, the Bank shall serve and file an affidavit of non-compliance with the Court and the Debtor’s chapter 13 case shall be dismissed forthwith.
- D. Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this Order is effective immediately.

Dated this _____ day of January, 2020.

Michael E. Ridgway
United States Bankruptcy Judge